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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,250	08/28/2001	Joseph Antonini	60680-1187	6180

10291 7590 10/03/2003

RADER, FISHMAN & GRAUER PLLC  
39533 WOODWARD AVENUE  
SUITE 140  
BLOOMFIELD HILLS, MI 48304-0610

EXAMINER
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LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 10/03/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/942,250

Applicant(s)

ANTONINI ET AL.

Examiner

EDMUND H. LEE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

the following phrases are indefinite because it is unclear if they are the same: "an insert" (cl 1, ln 1); "a blank metal substrate" (cl 1, lns 3-4); "a metal substrate" (cl 1, ln 4); "the insert" (cl 1, ln 5 and 6); "the blank metal substrate" (cl 1, lns 7-8); and "said insert" (cl 2, lns 1 and 2; cl 3, lns 1 and 3; cl 4, ln 1; cl 6, lns 1 and 2; cl 8, ln 3; and cl 10, ln 2).

Clarification and/or correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Decker (USPN 4096228). Decker teaches the claimed process as claimed as evidenced at col 2, lns 40-50; col 3, lns 4-7 and 17-18; col 4, lns 36-60; col 5, lns 7-30; and figs 1-5. As a note, figs and 4-5 show a metal insert 11 as evidenced by the hatchings of insert 11.

See MPEP 608.02.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Decker (USPN 4096228). The above teachings of Decker are incorporated hereinafter. Decker teaches molding a sealing body portion that is a closed loop that is non-circular (fig 1); and using a mold apparatus comprising die inserts for forming the insert (fig 1)-- as a note, compression ribs 39 constitute die inserts. However, Decker does not teach using an insert having radially extending arms; using an insert having arms wherein at least one of the arms has an offset elbow; using an elbow that provides a connection between the arm and a shoulder portion of the insert wherein the shoulder portion is contiguous with the peripheral edge of the closed loop of the insert. In regard to using an insert having radially extending arms, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed design is well-known in the gasket art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an insert having the claimed design in the process of Decker in order to facilitate attachment of the gasket. In regard to using an insert having arms wherein at least one of the arms has an offset elbow, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process

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since it is not a manipulative feature or step of the claimed process. Further, the claimed design is well-known in the gasket art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an insert having the claimed design in the process of Decker in order to facilitate attachment of the gasket. In regard to using an elbow that provides a connection between the arm and a shoulder portion of the insert wherein the shoulder portion is contiguous with the peripheral edge of the closed loop of the insert, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed design is well-known in the gasket art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an insert having the claimed design in the process of Decker in order to facilitate attachment of the gasket.


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each Budovec et al (USPN 6062573), Engelhardt (USPN 3619458), and Jeanne et al (USPN 5618050) teach the state of the art of gaskets including various gasket designs.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

  
EDMUND H. LEE  
Primary Examiner  
Art Unit 1732

9/20/03

EHL